

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla,
Rio Brazos, Rutheron & Plaza Blanca,
Cañones Creek, Village of Chama

MOTION TO ALLOW SERVICE BY PUBLICATION

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and requests the Court to enter its order allowing service by publication on the Defendants named herein, and in support of this motion the undersigned counsel for the State of New Mexico states as follows:

1. The States seeks to serve the Defendants named herein by publication pursuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure and Rule 1-004(K) of the Rules of Civil Procedure for the District Courts of the State of New Mexico.

2. Attempts by the State to serve the Defendants listed below by mail or commercial carrier as provided in Rule 1-0004(E)(3) of the Rules of Civil Procedure for the District Courts of the State of New Mexico have been unsuccessful. Certified mail (restricted delivery) addressed to the Defendants named below was either returned as unclaimed or not deliverable as addressed. In cases where mail was returned as not deliverable as addressed, the whereabouts of the Defendants cannot be discovered after due inquiry and search.

<u>Defendant</u>	<u>Subfile No.</u>
Tira L. Ouellete	CHRB-004-0041
Celia O. Lucero	CHCV-002-0011
Rebecca Hurd	CHCV-002-0017
Robert Hurd	CHCV-002-0017
Daphne Kim Tribble	CHCV-002-0019
Jose Salomon Lucero	CHCV-002-0035
Presley D. Rivas	CHCV-002-0039E
Angelo E. Rivas	CHCV-002-0039F
Maria A. Martinez	CHCV-003-0017
Robert Gallegos, Jr.	CHCV-003-0017

3. The State is unaware of the appointment of a personal representative to accept or receive service of process on behalf of the estate of the deceased persons listed below.

<u>Defendant</u>	<u>Subfile</u>
Estate of Octaviano Ulibarri	CHTA-003-0021
Estate of Lupita Valerio Jaramillo	CHRB-004-0023

WHEREFORE, the plaintiff State of New Mexico *ex rel.* State Engineer requests the Court to enter its order allowing service of process by publication upon the above-named Defendants.

Dated: December 7, 2006

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444
(505) 867-2299 facsimile

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were transmitted by ACE filing to the following on December 7, 2006

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla Bruner, Data Manager
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

/s/ Ed Newville
Edward G. Newville